

Interview Summary

Application No.

09/658,907

Applicant(s)

KOHL ET AL.

Examiner

Ramesh Krishnamurthy

Art Unit

3753

All participants (applicant, applicant's representative, PTO personnel):

(1) Ramesh Krishnamurthy.

(3) Gene Tyler.

(2) Dr. Mitch Means.

(4) _____.

Date of Interview: 11 March 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 - 20.

Identification of prior art discussed: Meritt, Jr. et al. (US 4,721,158).

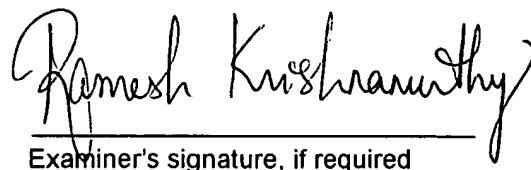
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Summary – Attachment

The applicant presented affidavits and other evidence related to various secondary considerations. An affidavit was presented claiming market share capture by the invention. An article from a Baker-Hughes publication in support of this affidavit was also provided as evidence. Additionally the applicant disclosed that a serious marketing effort is underway for the product.

In regard to the reference of Merritt, Jr. et al., applicant argued that it really pertains to a secondary production /field flooding type of effort rather than the additive injection control that is claimed in the instant invention. Applicants cited the passage in Col. 3, lines 40 – 44, and the use of the term “artificial lift” to buttress the argument that Merritt reference is not concerned with additive injection. Also, the applicant argued that the turbine type flow meter is inferior to the positive displacement flow meter of the invention, as explicitly recited in claim 4.

Additionally the applicant argued that the instant invention fulfills a solution to a long-felt need in the industry for control of additive injection in production wells that are remotely located. Specifically, the applicant argued that the reliability offered by the instant invention is not there in the prior art of record.

In conclusion the examiner agreed to consider the evidence presented and suggested that a document be provided to clearly establish a nexus between the claims of the invention and the various items of secondary evidence.

The items submitted at the time of interview include:

Art Unit: 3753

1. Declaration by Mitch Means pertaining to Market share.
2. Declaration by Mitch Means pertaining to his educational background and to distinction between positive displacement flow meter and a turbine flow meter.
3. Definition of "Artificial Lift" as given in the "oil field glossary" published by Schlumberger Limited.
4. Baker Hughes Publication – In Depth, Vol. 9, No. 2, 2003.

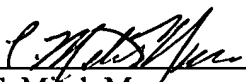
DECLARATION OF C. MITCH MEANS

I, C. Mitch Means, hereby declare:

1. My home address is 5011 Saddle Dr., Needville, Texas 77461;
2. I became an employee of Baker Petrolite in 1998;
3. I became Manger of Chemical Automation Systems in 2000;
4. We have identified a model market for Sentry System Applications in the Gulf of Mexico;
5. The model market represents the locations where a Sentry System would be useful due to remote access issues and precision additive delivery issues;
6. To date, we have captured from 16 to 32 percent of that market; and
7. The variation in percentage number in paragraph 6 is due to ranges in our estimates of the market.
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

Furthermore Declarant sayeth not.

Signed:


C. Mitch Means
Date: 3-11-04

DECLARATION OF C. MITCH MEANS

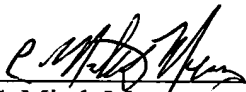
I, C. Mitch Means, hereby declare:

1. My home address is 5011 Saddle Dr., Needville, Texas 77461;
2. I have a PhD in Chemistry from University of Alabama received in 1987;
3. I have worked in the oil and gas filed since 1988;
4. I became an employee of Baker Petrolite in 1998;
5. I became Manger of Chemical Automation Systems in 2000;
6. The term artificial lift is a term of art in the oil and gas industry;
7. The term means any system that adds energy to the fluid column in a well bore and specifically includes field flooding;
8. A turbine flowmeter is not the same as a positive displacement flow meter;
9. A positive displacement flowmeter commonly flows fluid through volume chambers of definite size;
10. A turbine flowmeter commonly flows fluid past a set of blades causing the blades to rotate; and
11. Corrections must be applied for fluids of differing viscosity when using a turbine flowmeter while no such corrections are required for a positive displacement flow meter.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

Furthermore Declarant sayeth not.

Signed:



C. Mitch Means
Date: 3-11-04

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Terms beginning with:

#	A	B	C	D	E	F
G	H	I	J	K	L	M
N	O	P	Q	R	S	T
U	V	W	X	Y	Z	All

Resource Links

- ➔ [Oilfield Services](#)
- ➔ [Oilfield Services Data Dictionary \(OSDD\)](#)
- ➔ [Schlumberger Excellence in Educational Development](#)
- ➔ [Oilfield Review](#)

Feedback

We welcome your suggestions and questions:

- ➔ [E-mail glossary@slb.com](mailto:glossary@slb.com)

Credits & Bibliography

- ➔ [Contributors and references](#)

artificial lift**1. n. [Well Completions]**

Any system that adds energy to the fluid column in a wellbore with the objective of initiating production from the well. Artificial-lift systems use a range of operating principles, including gas lift and electrical submersible pumps.

See: [electric submersible pump](#), [gas lift](#), [rod pump](#)